

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:

HEATHER HOVEY,

Respondent.

)
) **Case No. 19-169**
)
) **License No. 359902**
)
) **Order Regarding Reinstatement**
)
)

Pursuant to Board rule 282 I.A.C. 11.34, any person whose license has been suspended "may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension."

FINDINGS OF FACT

1. The Board Order issued April 17, 2020, imposed a reprimand and a minimum 3-month suspension.

2. The Respondent was also ordered to complete a substance abuse evaluation prior to seeking reinstatement.

3. The Respondent submitted an application for reinstatement prior to the board's virtual meeting on August 5, 2020. The application included documentation of the required evaluation. The board reviewed the materials and voted to grant the application for reinstatement and issue an order stating the basis for the suspension no longer exists and it would be in the public interest for the Respondent's license to be reinstated.

CONCLUSIONS OF LAW

4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent's license, certificate, or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts shall be on the respondent. 282 I.A.C. 11.34(2).

5. The Board found the information provided did establish that the basis for the suspension no longer exists and that it will be in the public interest for the license to be reinstated.

ORDER

THEREFORE, the Board grants the Respondent's request for reinstatement, finding that the basis for the suspension no longer exists and it will be in the public interest for the license to be reinstated.

Dated this 5th day of August, 2020.



Michael D. Cavin, Interim Executive Director
On behalf of the Board

Copies to:

Heather Hovey (first-class mail and certified mail)
RESPONDENT

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

APR 08 2020

In the matter of:) BOEE Case No. 19-169
) Folder # 359902
Heather Hovey,)
)
Respondent.) **COMBINED STATEMENT OF**
) **CHARGES, SETTLEMENT**
) **AGREEMENT, AND FINAL ORDER**

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol, in violation of 282 Iowa Administrative Code rule 25.3(2)(b).

STIPULATIONS

1. Respondent holds a Standard LICENSE (FOLDER # 359902) with the following endorsements: K-6 Teacher Elementary Classroom; K-8 English Language arts; 5-8 Middle School Generalist; K-8 Reading. This license is current and will next expire on 10-31-2024. Respondent also holds an Executive Director Decision License with a K-8 Instructional Strategist I, which is set to expire on 6-30-2020.
2. During all material events of this case, Respondent was employed as a Special education teacher/paraeducator with the Waterloo School District.
3. On November 18, 2019, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.
4. On February 21, 2020, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 5 below.
5. Investigation revealed that on or about October 19, 2020 the Respondent, while acting in her official capacity, was under the influence of alcohol while at school.

SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent accepts a SUSPENSION of her license(s) for a minimum of THREE (3) MONTHS. Respondent agrees she bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her suspension no longer exists and that it will be in the public interest to reinstate her license(s). Additionally, Respondent agrees she is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of subparagraphs (C) below.
- c. Respondent agrees to undergo a Substance Abuse evaluation that includes an assessment of her ability to perform appropriately as a teacher. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Combined Statement of Charges, Settlement Agreement, and Final Order prior to the substance abuse evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the substance abuse evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation, and must successfully complete, or be actively completing, any recommendations for treatment and/or training resulting from the evaluation. Respondent is responsible for all costs of the evaluation and any treatment and training.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

4-7-70
Date

Heather Hovey
Heather Hovey, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

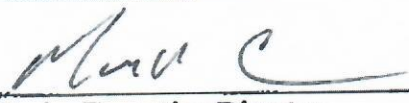
1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license(s) is/are SUSPENDED a minimum of THREE (3) MONTHS. Respondent agrees she bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her suspension no longer exists and that it will be in the public interest to reinstate her license(s). Additionally, Respondent agrees she is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of subparagraphs (3) below.

Respondent agrees to undergo a Substance Abuse evaluation that includes an assessment of her ability to perform appropriately as a teacher. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Combined Statement of Charges, Settlement Agreement, and Final Order prior to the substance abuse evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the substance abuse evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation, and must successfully complete, or be actively completing, any recommendations for treatment and/or training resulting from the evaluation. Respondent is responsible for all costs of the evaluation and any treatment and training.

3. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17th day of April, 2020.


Mike Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Heather Hovey

RESPONDENT

Jay Hammond
Jay.Hammond@isea.org
ATTORNEY FOR RESPONDENT

Jesse Ramirez
ATTORNEY FOR THE STATE